

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No.3:03-cr-157
)	(PHILLIPS/ SHIRLEY)
)	
GARY L. EMORY)	
)	
Defendant.)	

ORDER OF DETENTION

This matter came before the Court for a preliminary hearing and a detention hearing on March 12, 2009. Tracee Plowell, Assistant United States Attorney, was present representing the government and Jonathan Moffatt, Federal Defender was present representing the defendant. At the hearing, however, counsel for the defendant stated to the Court that the defendant wished to waive his right to a detention hearing a preliminary hearing and signed the appropriate waiver.

Pursuant to the defendant signing the waivers, the defendant will not have a preliminary hearing but will proceed directly to the Revocation hearing before District Judge Thomas Phillips on March 23,2009 at 3:00 pm.and that until that hearing, defendant is to be detained. Federal Rules of Criminal Procedure 32.1 and 18 U.S.C % 3143(a). The government stated it had no objections. The defendant was present and acknowledged he understood that by waiving his detention hearing he would remain in custody. For good cause, and by agreement of the defendant, this detention hearing is

waived and the defendant is detained.

The defendant acknowledged in open court that he understands his rights and the consequences of waiving his detention hearing.

For good cause shown, the defendant's request not to contest, and to waive the detention hearing is hereby **GRANTED**.

It is therefore **ORDERED** that:

- (1) Defendant be detained.;
- (2) Defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- (3) Defendant be afforded reasonable opportunity for private consultation with counsel; and
- (4) On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States marshal for the purpose of an appearance in connection with any court proceeding.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge